

*Suffolk Superior Civil # 05 - 0340*

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

DEBORAH GENATOSSIO and  
MICHAEL GENATOSSIO,  
Plaintiffs

v.

NORTH AMERICAN AIRLINES, INC.,  
Defendant

05 10881 RGS

I hereby certify on my oath that the foregoing document is true and correct copy of the

☐ electronic docket in the captioned case

☐ electronically filed original filed on

CIVIL ACTION NO. 05-10881-RGS original filed in my office on 4/29/2005

Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts

By: \_\_\_\_\_  
Deputy Clerk

**NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT  
COURT 28 U.S.C. § 1441 (A)**

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS:**

The Defendant, North American Airlines, Inc.. (hereinafter "NAA" or the "Defendant"), pursuant to Section 1331 and Section 1441 of Title 28 of the United States Code and Rule 81.1 of the Local Rules for the United States District Court, District of Massachusetts, herewith files this Notice of Removal in the United States District Court for the District of Massachusetts from the Superior Court of the Commonwealth of Massachusetts in and for Suffolk County and states the following in support of this Notice of Removal:

1. The Plaintiffs, Deborah and Michael Genatossio, (hereinafter "Genatossio" or the "Plaintiffs"), filed a civil action against NAA on or about January 27, 2005, in the Superior Court of the Commonwealth of Massachusetts in and for Suffolk County, Civil Action No. SUCV2005-0340G, Deborah Genatossio and Michael Genatossio v. North American Airlines, Inc.
2. On or about April 11, 2005, the Plaintiff served NAA with a copy of the Complaint via first class mail. See Letter from Plaintiff's Counsel dated April 7, 2005.

gue.

## Commonwealth of Massachusetts

## SUFFOLK SUPERIOR COURT

## Case Summary

## Civil Docket

03:50 PM

SUCV2005-00340

Genatossio et al v North American Airlines Inc

Date	Paper	Text
01/28/2005		Origin 1, Type B04, Track F.
01/28/2005	2.0	Civil action cover sheet filed
04/19/2005	3.0	Summons, Affidavit and Return Receipt Returned re: North American Airlines Inc(Defendant) (Certified Mail 4/11/05)
04/19/2005	4.0	Summons, Affidavit and Return Receipt Returned re: CT Corporation System Resident Agent for North American Airlines Inc, service made on April 11, 2005 (Certified Mail 4/13/05)
04/29/2005		Certified copy of petition for removal to U. S. Dist. Court of Deft. North American Airlines, Inc., U. S. Dist. #(05-10881RGS).
04/29/2005		Case REMOVED this date to US District Court of Massachusetts

## EVENTS

I HEREBY ATTEST AND CERTIFY ON

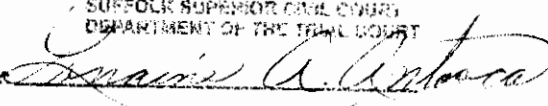
MAY 2, 2005

, THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR COURT  
DEPARTMENT OF THE JUDICIAL COURT

BY

  
ASSISTANT CLERK.

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK.SS.

SUPERIOR COURT  
CIVIL ACTION NO.

05-0340

DEBORAH GENATOSSIO,  
and MICHAEL GENATOSSIO,  
Plaintiffs.

v.

NORTH AMERICAN AIRLINES,  
INC.,  
Defendant.PLAINTIFFS' COMPLAINTPLAINTIFFS CLAIM TRIAL BY JURYSUFFOLK SUPERIOR COURT  
CIVIL CLERK'S OFFICE  
2005 JAN 20 P  
MICHAEL JOSEPH DONOHUE  
CLERK/MAGISTRATETHE PARTIES

1. The plaintiff, Deborah Genatossio, is a citizen of the United States and a resident of the Town of Medfield, County of Norfolk, Commonwealth of Massachusetts.
2. The plaintiff, Michael Genatossio, is a citizen of the United States and a resident of the Town of Medfield, County of Norfolk, Commonwealth of Massachusetts.
3. At all times relevant to this action, the plaintiffs were and remain lawfully married as husband and wife.
4. The defendant, North American Airlines, Inc., based upon information and belief, is a United States corporation with a principle place of business located in Jamaica, New York, however, at all times relevant to this action, the defendant, North American Airlines, Inc., maintained a usual and customary place of business within the City of Boston, County of Suffolk, Commonwealth of Massachusetts.

JURISDICTION AND VENUE

5. Personal jurisdiction exists over the defendant pursuant to G.L. c. 223A, § 3.
6. Jurisdiction in the United States exists also pursuant to Article 28 of the Warsaw Convention, in that the plaintiff's ticket was issued by North American Airlines, Inc., and purchased by the plaintiffs through an authorized agent within the United States, and the departure and destination of the roundtrip ticket on the North American Airlines, Inc., flight was Boston, Massachusetts.
7. The subject flight involved "international transportation" as defined under the Warsaw Convention.

## Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 05-0340-G

DEBORAH GENATOSSIO, and  
MICHAEL GENATOSSIO, Plaintiffs

v.

NORTH AMERICAN AIRLINES, INC., Defendant(s)

## SUMMONS

North American Airlines, Inc.  
To the above-named Defendant: Building 75, Suite 250, North Hanger Rd.  
JFK Airport, Jamaica, NY 11430

You are hereby summoned and required to serve upon Daniel J. Gibson, Esq.  
Sarrouf, Tarricone & Flemming

plaintiff's attorney, whose address is 95 Commercial Wharf, Boston, MA 02110, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Boston, the 7th day of  
April, in the year of our Lord two thousand and five

*Michael Joseph Donovan*  
Clerk/Magistrate

## NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 1 3rd Rev.

I HEREBY ATTEST AND CERTIFY ON  
MAY 2, 2005 THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY: *Francine A. Anthony*

ASSISTANT CLERK.

NOTICE TO DEFENDANT:  
Failure to answer this summons  
may result in a default judgment  
being entered against you.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION NO. 05-0340-G

DEBORAH GENATOSSIO, )  
and MICHAEL GENATOSSIO, )  
Plaintiffs. )

v. )

NORTH AMERICAN AIRLINES, )  
INC., )  
Defendant. )

**AFFIDAVIT OF SERVICE**

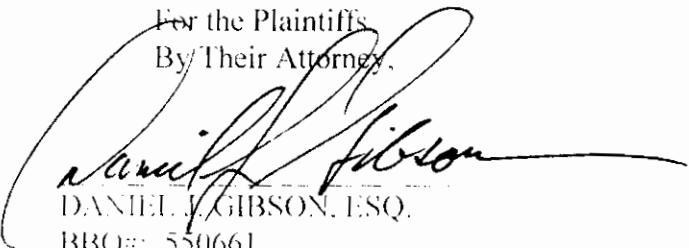
I, Daniel J. Gibson, counsel for the plaintiffs, do hereby certified that I have served the defendant, North American Airlines, Inc., at the following location:

CT Corporation System  
Resident Agent of North American Airlines, Inc.  
111 Eighth Avenue  
New York, NY 10011

with a copy of the Summons, Plaintiffs' Complaint and Civil Action Cover Sheet by Certified Mail, return receipt requested, and which return receipt is attached to this Affidavit.

Signed Under the Pains and Penalties of Perjury this 16<sup>th</sup> day of April, 2005.

For the Plaintiffs  
By Their Attorney,

  
DANIEL J. GIBSON, ESQ.

BBO#: 550661

Sarrouf, Tarricone & Flemming  
95 Commercial Wharf  
Boston, MA 02110  
Tel.: (617) 227-5800

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>CT Corporation System Resident Agent North American Airlines, Inc. 111 Eighth Avenue New York, NY 10011</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>[Circular Postmark: NEW YORK NY 10011]</i></p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number 7003 1010 0003 3860 5113 (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540